UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,232	06/05/2006	David Loupia	FR920030069US1	3810

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EXAMINER
RECEK, JASON D

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
09/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 June 2010*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *07 July 2010*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

This is in response to the RCE filed on 6/18/10.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/18/10 has been entered.

Status of Claims

Claims 1-4 and 6-8 are pending. Claim 5 is cancelled.

Response to Arguments

2.   Applicant's arguments, see pg. 5, with respect to the 101 have been fully considered but are not persuasive. Although independent claim 4 now recites a "server" this "server" is not part of the system, it is merely mentioned in the paragraph describing the "checker". The checker is still considered to be software and therefore the system

of claim 4 can consist of merely software which means the claim is directed to non-

statutory subject matter. Therefore, the rejection of claim 4 under 101 is upheld.

Claims 6 and 8 do not cure this deficiency and therefore are also rejected.

3.   Applicant's arguments, see pg. 5-7, with respect to the rejection(s) of claim(s) 1

and 4 under 103 have been fully considered and are persuasive. Therefore, the

rejection has been withdrawn. However, upon further consideration, a new ground(s) of

rejection is made in view of Hickman US 2005/0198188 A1.

Claim Rejections - 35 USC § 101

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 4, 6 and 8 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Regarding claim 4, it is directed to a system however it does not recite any

physical hardware elements. The "checker" as recited by claim 4 can be construed as

consisting entirely of software. A "network" does not necessarily consist of hardware.

The "server" is not part of the system, the system only comprises two "checkers". Also,

a server, as known in the art can be purely software and does not inherently include

hardware. Since the claim covers an embodiment that is purely software, it is not a

"system" and thus it is not patentable subject matter. Claims 6 and 8 do not cure this

deficiency and therefore are rejected based on their dependency.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

6.   Claims 1-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Butterworth et al. US 2004/0133656 A1 in view of Lewontin US 2005/0071419 A1

and Hickman US 2005/0198188 A1.

        Regarding claim 1, Butterworth discloses "redirecting a request for a web service

in a data transmission network" (paragraph 45), "forwarding a request from the client to

an old address of said web service" (paragraphs 13, 44), "responding to the client from

a web service point associated with said old address" response sent from web service

(Fig. 4) and "forwarding a second request from the client to the new address of said web

service" redirect (i.e. forward) to the new address of the web service (i.e. address of

backup service) when failure occurs (paragraphs 58, 63).

        Butterworth does not explicitly disclose "sending back a message with a header,

wherein the header using said message exchange protocol contains a redirection to a

new address" however this is taught by Lewontin as including a web service address in

a header as a SOAP message (paragraph 44). It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify Butterworth to include the address passing feature of Lewontin for the purpose of redirecting web service requests. Lewontin suggests that by doing so web services can be provided from mobile devices (paragraphs 9-11).

The combination of Butterworth and Lewontin does not explicitly disclose "determining the address of the web service is an old address by checking a list of outdated web services" however this is taught by Hickman as identifying suitable web services from a list of web services (abstract, paragraph 7). One of ordinary skill in the art would understand that identifying a suitable service is equivalent to determining if the address is an old address as recited by the claim. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Butterworth and Lewontin to verify a web service address as taught by Hickman for the purpose of using that web service. Hickman suggests that by searching a list of web services, new services can be discovered (paragraphs 6-8).

Regarding claim 2, Butterworth discloses "new address ... is logged by said host" as storing an address in the form of a WSDL file (paragraphs 13-14).

Regarding claim 3, the combination of Butterworth and Lewontin does not explicitly disclose "said redirection is a SOAP header tag", however Butterworth does disclose using SOAP (Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention use a header tag for redirection. The SOAP specification

provides header blocks. Redirecting requests is disclosed by the references. Thus naming a header tag redirect would have been obvious since that is the purpose of the message. This is similar to relaying a SOAP message, when doing so the SOAP specification provides for a header block that is aptly named relay.

Regarding claim 4, it is a system claim that corresponds to claim 1, those corresponding parts (web service, address redirection, response message) are rejected for similar reasons. Butterworth also discloses "a checker in a SOAP runtime" as software for passing SOAP messages (Fig. 4, paragraphs 37, 44-45). The message is analyzed/checked (paragraph 38).

Regarding claim 6, it is a system claims that correspond to the method of claim 3 and thus is rejected for similar reasons.

Regarding claim 7, Butterworth discloses "HTTP" (paragraph 11).

Regarding claim 8, it corresponds to claim 7, thus it is rejected for similar reasons.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brittenham et al. US 2002/0178254 A1 discloses a method for deploying web services (abstract) including a list of web services (paragraph 66).

Knutson et al. US 2005/0160153 A1 discloses a method of addressing web services (abstract) including correcting an outdated address (paragraph 64).

Betts et al. US 2006/0047832 A1 discloses processing web service messages (abstract) and an address verifier (paragraph 40, Fig. 3 item 203).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Fri 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Asad Nawaz can be reached on (571) 272-3988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Recek/
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/Douglas B Blair/
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